

REMARKS

The Office Action mailed January 24, 2008, has been carefully considered. In response thereto, the Applicants respectfully submit that the application as amended is in condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding Office Action and issuance of a Notice of Allowance are respectfully solicited in view of the following remarks.

Claims 1-8 and 15-22 are pending in the application (claims 9-14 and 23-42 have been withdrawn in response to a restriction requirement issued by the PTO in a previous Action). In the Office Action, the pending claims have once again been rejected under 35 U.S.C. § 103(a) as being obvious over *Carter et al* (US 2001/0031999) in view of *Reiss* (U.S. Patent No. 5,324,317). For the reasons set forth below, the Applicants respectfully traverse.

Independent claims 1 and 15 have been amended to recite “at least two pairs of implantable electrodes having first and second ends, wherein the first ends are connected to said interferential current generator and adapted to be the second ends are implanted to a dura matter in an epidural space located at predetermined locations,” as noted in the listing of the claims. Support for these amendment may be found in the specification. No new matter is being added. This arrangement of electrodes produces the interference from the two circuits and creates the beat frequency taught in the claimed invention.

Applicants respectfully submit that the *Carter* and *Reiss* references in combination do not fairly disclose or suggest using pairs of electrodes in the same configuration recited in the claims, including using pairs of electrodes that are implanted in the dura matter of an epidural space. Moreover, even if *Carter* does form a beat frequency between paired electrodes, which Applicants do not admit, *Carter* does not form a beat frequency as a result of interference between a first frequency from a first pair of electrodes and a second frequency from a second pair of electrodes. That is, *Carter* does not teach the interference of a first frequency with that of another frequency to form an additive beat frequency.

In summary, not only do the applied references teach away from combining them as proposed in the Office Action, but also, such a combination would not even have resulted in the present claimed invention. Therefore, the Applicants respectfully submit that the present claimed invention would not have been obvious over the asserted combination of references.

In light of the above, the Applicants respectfully submit that the application is in condition for allowance. Notice of such allowance is respectfully solicited.